

E-FILED on 8/22/09

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

No. C-03-01920 RMW

Plaintiff,

ORDER TENTATIVELY GRANTING
MOTION FOR DEFAULT JUDGMENT

v.

[Re Docket No. 62]

MISCELLANEOUS FIREARMS,
SILENCERS, AND AMMUNITION,


Defendant.

Upon consideration of the unopposed motion of the United States for a default judgment and the entire record, and based on the findings that (1) the United States provided proper notice by serving parties known to have an interest and by publication as required by Rule 6-1, Local Admiralty Rules, (2) the time for filing a claim and answer has expired and (3) no one has appeared to defend by filing a timely claim and answer, the court tentatively grants the United States' motion for default judgment.

Service appears technically proper in that service was made on interested party Kevin Dugan's attorney of record in this case. However, the court is concerned based on the history of Mr. Dugan's criminal case that he may be represented by counsel other than by Mr. Daniel Halpern.

1 Therefore, to ensure that Mr. Dugan has notice of the motion for default judgment, the court
2 is serving this tentative order on his counsel of record in the criminal case, United States v. Dugan,
3 03-cr-20010. If a motion to set aside this tentative order is not made within 30 days of the date this
4 order issues, it shall become a final judgment.

5
6
7 DATED: 8/21/09


RONALD M. WHYTE
United States District Judge

United States District Court
For the Northern District of California

1 **Notice of this document has been sent to:**

2 **Counsel for Plaintiff:**

3 David Countryman david.countryman@usdoj.gov
4 Stephanie M. Hinds stephanie.hinds@usdoj.gov

5 **Counsel for Defendants:**

6 Daniel B. Halpern
7 Law Offices of Halpern & Halpern
8 111 North Market Street
9 Suite 1010
10 San Jose, Ca 95113

11 Warrington S. Parker , III
12 Orrick Herrington & Sutcliffe LLP
13 The Orrick Building
14 405 Howard Street
15 San Francisco, CA 94105

16 Counsel are responsible for distributing copies of this document to co-counsel that have not
17 registered for e-filing under the court's CM/ECF program.

18 **Dated:** 8/22/09

JAS
Chambers of Judge Whyte